

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	Case No.: CR-23-117-RAW
Plaintiff,)	
v.)	Date: 08/29/2024
)	
BILLY WAYNE DAVIS, JR.,)	Time: 9:54 a.m. – 10:10 a.m.
Defendant.)	

MINUTE SHEET – SENTENCING HEARING

U.S. District Court Judge Ronald A. White Teka Stephens, Deputy Clerk Shelley Ottwell, Reporter
FTR Courtroom: 2 - Room 224

Counsel for Plaintiff: Jordan Howanitz, Asst. United States Attorney

Counsel for Defendant: McClayn Gullekson, Asst. Federal Public Defender ☒ Defendant appears in person with counsel

☒ Plaintiff & Defendant reviewed PSI:

☒ Government - Objections: ☐ Yes ☒ No

☒ Defendant - Objections: ☐ Yes ☒ No

☒ PSI will form factual basis for sentencing

☒ Terms of Plea Agreement outlined by Gov't ☒ Defendant Agrees.

☒ Findings: Court accepts the Plea Agreement as set forth in this matter.

☒ Court GRANTED Government's Motion for One Point Reduction.

Additional minutes: Court inquired if any victims were present. Government responded. Court made inquiry of defendant as to his change of plea before U.S. Magistrate Judge. Defendant and counsel responded confirming the consent.

ENTERING FINDING and affirming the finding of guilt and acceptance of plea before the U.S. Magistrate Judge. **(RAW)**

☒ Defendant and counsel asked if they care to say anything prior to sentence being pronounced

☐ Statements by Government in aggravation/mitigation of punishment

☒ Statements by defendant's counsel

☒ Statements by defendant

SENTENCE: As to Count 1 of the Information

☒ Bureau of Prisons for a term of 120 months

☒ Supervised Release for a term of 3 years

☒ Special Assessment: \$100.00

☐ Concurrent ☒ Consecutive

☒ Concurrent ☐ Consecutive

☒ due immediately

SENTENCE: As to Count 2 of the Information

☒ Bureau of Prisons for a term of 120 months

☐ Concurrent ☒ Consecutive

The Court recommends that the Bureau of Prisons evaluate and determine if defendant is a suitable candidate for the Intensive Drug Treatment Program. Should defendant be allowed to participate in the program, it is further recommended that defendant be afforded the benefits prescribed and set out in 18 U.S.C. Section 3621(e) and according to Bureau of Prisons' policy.

☒ Supervised Release for a term of 3 years

☒ Concurrent ☐ Consecutive

☒ Special Assessment: \$100.00

☒ due immediately

☐ Fine: _____

☐ with interest ☐ interest waived

☐ Restitution: _____

☐ with interest ☐ interest waived

☒ **STANDARD CONDITIONS** of Probation given, including the following **Special Conditions:**

1. Defendant shall participate in a program approved by the United States Probation Office for the treatment of narcotic addiction, drug dependency, or alcohol dependency, which will include testing to determine if defendant have reverted to the use of drugs or alcohol and may include outpatient treatment. **2.** Defendant shall successfully participate in a program of mental health treatment and follow the rules and regulations of the program. The probation officer, in consultation with the treatment provider, will determine the treatment modality, location, and treatment schedule. Defendant shall waive any right of confidentiality in any records for mental health treatment to allow the probation officer to review the course of treatment and progress with the treatment provider. Defendant must pay the costs of the program or assist (co-payment) in payment of the costs of the program if financially able. **3.** Defendant shall submit to a search conducted by a United States Probation Officer of defendant's person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation.

☒ **REASONS FOR IMPOSING SENTENCE** given by Court

☒ Defendant advised of right to appeal ☐ Defendant gave notice that a waiver of appeal would be filed

☒ Remaining counts ordered dismissed: Indictment

☒ Defendant requested designation BOP facility Coleman II in Florida, mental health evaluation and to get back on his medication ☒ Court recommended BOP facility Coleman II in Florida and that the defendant be evaluated for his mental health condition and be restarted on medications if necessary and appropriate as determined by BOP.

☒ Defendant remanded to the custody of the U.S. Marshal

☐ Court adjourned